

**DELEGATION OF AUTHORITY
TOXIC SUBSTANCES CONTROL ACT**

Authorization of State and Tribal Programs under Section 404

1. **AUTHORITY.** The functions and responsibilities related to the authorization of State and Tribal Programs under section 404 of the Toxic Substances Control Act (TSCA), including but not limited to the following functions:
 - a. To process applications, including publication of notices of receipt in the Federal Register, for the authorization of state and Tribal programs submitted under TSCA section 404(a) by any state or Tribe seeking to administer and enforce a program under TSCA section 404.
 - b. To approve or disapprove under TSCA section 404(b) an application for the authorization of a state or Tribal program submitted by any state or Tribe seeking to administer and enforce a program under TSCA section 404.
 - c. To withdraw authorization of a state or Tribal program under TSCA section 404(c) if a state or Tribe is not administering and enforcing a program in compliance with the standards, regulations, and other requirements under TSCA, Title IV, section 404.
2. **TO WHOM DELEGATED.** To the Director, Office of Compliance and Enforcement, or equivalent.
3. **LIMITATIONS.** Regional officials must consult with the Assistant Administrator for Prevention, Pesticides and Toxic Substances and the Assistant Administrator for Enforcement and Compliance Assurance or their respective designee before exercising authority under 1.b. or 1.c. above.
4. **REDELEGATION AUTHORITY.**
 - a. The authorities above may not be redelegated.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **SUPERSESSON.** This delegation supersedes R10 12-31 (05/28/2004) and any prior delegation of the same authority.

6. **ADDITIONAL REFERENCES.**

- a. Title X of the Housing and Community Development Act of 1992, Public Law 102-550 (also known as the Residential Lead-Based Paint Hazard Reduction Act of 1992), which amended the Toxic Substances Control Act by adding Title IV - Lead Exposure Reduction.
- b. 40 CFR part 745.
- c. Delegation 12-31 (11/24/2009).

Date

11/15/16



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Regional Administrator